

ORDINANCE NO. 92-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROHIBITING THE DISCHARGE OF FIREARMS EAST OF A SPECIFIC NORTH-SOUTH BOUNDARY LINE; PROHIBITING THE DISCHARGE OF FIREARMS WEST OF THE BOUNDARY LINE WITHIN THREE HUNDRED (300) YARDS OF STRUCTURES; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF ORDINANCE NO. 71-8 AND OTHER LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there exist certain abuses regarding the use of firearms in the proximity of persons and property which endanger the health, safety, and welfare of the citizens of Palm Beach County; and

WHEREAS, the increasing urbanization of Palm Beach County and the increasing density of the population within Palm Beach County make it necessary to regulate the use of firearms; and

WHEREAS, the prohibition of the shooting of firearms near public or private buildings is necessary for the purpose of preserving the life and safety of the general public; and

WHEREAS, it is not the intent of this ordinance to prohibit the lawful use of firearms in the defense of life or property, within the confines of a licensed and approved shooting range, or in the performance of official duties requiring the discharge of firearms.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. Definition of Firearm

"Firearm" means any weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by action of any explosive.

"Shotgun" means a shoulder held firearm with a smooth bore designed primarily to fire shells containing multiple projectiles (shotshells).



"Shotshell" means a metal, plastic, or cardboard case containing a primer, propellant and multiple projectiles intended to be fired from a shotgun.

"Structure" means that which is three (3) feet or more in height which is built or constructed or erected or tied down having a fixed location on the ground such as buildings, homes, and mobile homes.

"UDLC" stands for the Unified Development Land Code upon its effective date.

#### SECTION 2. Prohibited Activity

No person shall discharge a firearm east of the boundary described in Exhibit "A" attached hereto and made a part hereof. Further, no person shall discharge a firearm west of said boundary within three hundred (300) yards of any structure. ~~Any person discharging a firearm beyond three hundred (300) yards of any structure must first obtain the property owner's permission to discharge said firearm on his or her land.~~

#### SECTION 3. Exceptions

The prohibition set forth in Section 2 above shall not apply to a person lawfully defending life or property or performing official duties requiring the discharge of firearms. Further, this ordinance shall not apply to the discharge of firearms within the confines of approved and licensed shooting ranges as provided for in Article 6 of the Palm Beach County Unified Land Development Code, law enforcement agency ranges, existing commercial and private shooting ranges and gun clubs, and official hunting areas. The prohibition is also not applicable to the discharge of shotguns utilizing shotshells on land which is zoned agricultural and which has a minimum parcel size of five (5) acres so long as no discharge of firearms is conducted within three hundred (300) yards of any structure situated on another's property. Further, the discharge of blank or non-lethal shells or cartridges is not prohibited by this ordinance.

STATE OF FLORIDA COUNTY OF PALM BEACH  
The ex-officio Clerk of the Board of County Commissioners  
certify this to be a true and correct copy of the original filed in  
my office on 5-19-92  
DATED at West Palm Beach, Fl. on 6-11-92  
Clerk, BCC  
By: Louie Clinger D.C.



1                   SECTION 4. Enforcement

2                   It shall be the duty and responsibility of all law enforcement  
3 officials within their respective jurisdictions to enforce this  
4 ordinance and all related state laws.

5                   SECTION 5. Penalty

6                   Any person convicted of a violation of any of the provisions  
7 of this ordinance shall be punished by a fine not to exceed five  
8 hundred (\$500.00) dollars or by imprisonment in the county jail for  
9 a period not to exceed sixty (60) days or by both such fine and  
10 imprisonment for each such offense.

11                   SECTION 6. Applicability

12                   This ordinance shall be applicable in both the unincorporated  
13 and incorporated areas of Palm Beach County, Florida, to the extent  
14 permitted by law.

15                   SECTION 7. Repeal of Laws in Conflict

16                   Ordinance No. 71-8 is hereby repealed and any other laws,  
17 ordinances and/or resolutions in conflict with any provision of  
18 this ordinance are also repealed.

19                   SECTION 8. Severability

20                   If any section, paragraph, sentence, clause, phrase, or word  
21 of this ordinance is for any reason held by a Court to be  
22 unconstitutional, inoperative or void, such holding shall not  
23 affect the remainder of this ordinance.

24                   SECTION 9. Inclusion in Code of Laws and Ordinances

25                   The provisions of this ordinance shall become and be made a  
26 part of the Code of Laws and Ordinances of Palm Beach County,  
27 Florida. The sections of this ordinance may be renumbered or  
28 relettered to accomplish such, and the word "ordinance" may be  
29 changed to "section", "article", or any other appropriate word.

30                   SECTION 10. Effective Date

31                   The provisions of this ordinance shall be effective upon  
32 receipt of acknowledgement by the Secretary of State.

1 APPROVED and ADOPTED by the Board of County Commissioners of  
2 Palm Beach County, Florida, on the 19th day of May,  
3 1992.

4 PALM BEACH COUNTY, FLORIDA, BY ITS  
5 BOARD OF COUNTY COMMISSIONERS

6 By: [Signature]  
7 CHAIRMAN

8 APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

MILTON T. BAUER, CLERK  
Board of County Commissioners

9 By: Debbie M Dytrych

By: [Signature]  
DEPUTY CLERK

10 Acknowledgement by the Department of the State of Florida, on  
11 this, the 28th day of May, 1992.

12 **EFFECTIVE DATE:** Acknowledgement from the Department of State  
13 received on the 5th day of June, 1992, at  
14 10:00 A.M., and filed in the Office of the Clerk of the Board of  
15 County Commissioners of Palm Beach County, Florida.

16 firearm2.ord

STATE OF FLORIDA COUNTY OF PALM BEACH  
The ex-officio Clerk of the Board of County Commissioners  
certify this to be a true and correct copy of the original filed in  
my office on 5-19-92

DATED at West Palm Beach, FL on: 5/18/92  
Clerk, BCC

By: [Signature]  
Deputy Clerk



